

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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Jerald Times,	:	
	:	
Plaintiff,	:	23cv3229 (DLC)
	:	
-v-	:	<u>ORDER</u>
	:	
Success Academy Charter Schools, Inc.,	:	
et al.,	:	
	:	
Defendants.	:	
	:	
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DENISE COTE, District Judge:

An Opinion of December 6, 2024 largely granted the defendants' motion for summary judgment. An Order of June 18, 2025 scheduled a jury trial to begin on September 22 on the sole remaining claim. That claim, as further described in the December 6 Opinion, is brought under Title VII and the New York State Human Rights Law for retaliation against the plaintiff, Jerald Times, premised on his October 22, 2020 email ("Remaining Retaliation Claim"). The plaintiff has indicated that he seeks to appeal the December 6 Opinion. Indeed, earlier this year he filed an interlocutory appeal from that decision; the Court of Appeals did not have jurisdiction to consider that appeal, however, because this case has not reached a final judgment.

In a letter of July 29 from defense counsel, the defendants seek to adjourn trial to early 2026. This is their first

request to alter the trial date. The request is denied. To accommodate their religious observance, however, the trial date is adjourned to September 29.

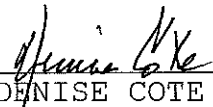
The July 29 letter includes the following statement from the plaintiff: "I must note that my consent should not be construed as agreement that the claim at issue is legally cognizable or appropriate for trial. I reserve all rights to challenge the validity of the underlying claim on legal and procedural grounds." The plaintiff has also indicated in other submissions that the Remaining Retaliation Claim is not the claim on which he wishes to proceed to trial. Accordingly, it is hereby

ORDERED that the plaintiff advise this Court by **August 13, 2025** whether he wishes to proceed to trial on the Remaining Retaliation Claim. If he does not wish to proceed to trial on the Remaining Retaliation Claim, it will be dismissed with prejudice. To be clear, if the Remaining Retaliation Claim is dismissed with prejudice, the plaintiff cannot bring that claim again even if he should succeed in the future in getting some or all of the claims dismissed on December 6 reinstated. If the plaintiff consents to the dismissal of the Remaining Retaliation Claim with prejudice, a final judgment will be entered in favor of the defendants and the plaintiff will then be able to bring

an immediate appeal of the December 6 Opinion, which granted summary judgment to the defendants on the plaintiff's other claims.

IT IS FURTHER ORDERED that, should the plaintiff wish to proceed to trial on the Remaining Retaliation Claim, the trial of that claim will begin on **September 29, 2025**. The other deadlines set forth in the Order of June 18 remain in effect.

Dated: New York, New York
July 30, 2025



DENISE COTE
United States District Judge